

presented for sale, and graded for sale. See, 7 CFR part 29. Further, the AMS regulations include detailed recordkeeping requirements. Further, AMS has representatives, on-site, during all sales of tobacco.

In addition the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, strictly regulate the sale of tobacco. CCC and CFSA regulate auction warehouses through the Tobacco Marketing Quota and Price Support Programs they administer. These regulations are codified at 7 CFR parts 723 and 1464. Under these regulations, CCC and CFSA require that warehousemen retain detailed records of all tobacco handled by them. The tobacco and the transactions associated with it must be tracked and recorded from the time the tobacco is brought into the warehouse by producers, to the time it leaves the warehouse.

The type and level of regulation by AMS, CCC, and CFSA are unique to auction warehouses. Producers who believe they have not been treated fairly by the warehouseman may seek relief directly from the on-site representatives of the various government agencies. If such allegations are confirmed, under the provisions of 7 CFR parts 723 and 1464, CCC or CFSA has the right to take appropriate actions against the tobacco auction warehouse to protect the interests of producers. Accordingly, because tobacco auction warehouses are (1) more involved with merchandising (which is a non-USWA function) as opposed to the long term storage of tobacco and (2) sufficiently regulated by other USDA regulations, CFSA proposes to eliminate the application of the USWA and its regulations to tobacco auction warehouses. This action further reduces the amount of federal regulation.

List of Subjects in 7 CFR Part 737

Administrative practice and procedure, Agricultural Commodities, Tobacco, Surety Bonds, Warehouses.

Accordingly, the provisions of 7 CFR part 737 are amended as follows:

PART 737—TOBACCO WAREHOUSES

1. The authority citation for part 737 is revised to read as follows:

Authority: 7 U.S.C. 268.

2. Section 737.2 is amended by revising the introductory text and paragraphs (f), (i), and (j) to read as follows:

§ 737.2 Terms defined.

For the purposes of this part, unless otherwise provided, the following terms shall mean:

* * * * *

(f) *Service*. The Consolidated Farm Service Agency of the U.S. Department of Agriculture.

* * * * *

(i) *Warehouse*. Any suitable building, structure, or other protected enclosure in which tobacco is, or may be, stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which tobacco is, or may be, stored and for which a license has been issued under the act except for any place, including any suitable building, structure, or other protected enclosure to which tobacco is delivered by the producers thereof, or their agents for the purposes of obtaining CCC price support advances and for the display and auction of tobacco.

(j) *Warehouseman*. Any person lawfully engaged in the business of storing tobacco and holding a warehouse license.

* * * * *

3. Section 737.4 is amended by adding the following sentence at the end of the paragraph:

§ 737.4 Grounds for not issuing license.

* * * Further, a license shall not be issued to any place to which tobacco is delivered by the producers thereof, or their agents, for the purposes of obtaining CCC price support advances and for the display and auction of tobacco.

4. In § 737.34 paragraph (a) is revised and paragraph (b) is amended by adding a period after the word "section" and removing the remainder of the paragraph.

§ 737.34 Package arrangement.

(a) Each warehouseman shall arrange the packages of warehoused tobacco so that the identification number thereon as required by § 737.33 is visible, readily accessible, and shall arrange all packages so as to permit an accurate check thereof, unless waived in writing by the Administrator.

* * * * *

§ 737.50 [Amended]

5. Section 737.50 is amended by removing "order of Agricultural Marketing Service, USDA", and by adding "Service."

Signed at Washington, DC, on July 24, 1995.

Bruce R. Weber,

Acting Administrator, Consolidated Farm Service Agency.

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Agricultural Marketing Service

7 CFR Part 1137

[DA-95-21]

Milk in the Eastern Colorado Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This document invites written comments on a proposal to suspend certain performance standards of the Eastern Colorado Federal milk order. The suspension was requested by Mid-America Dairymen, Inc., a cooperative association that supplies milk for the market's fluid needs. The suspension was requested to prevent uneconomic milk movements that otherwise would be required to maintain pool status for milk of producers who have been historically associated with the order.

DATES: Comments are due no later than August 17, 1995.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9368.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed suspension has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Act, the suspension of the following provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered:

1. For the months of September 1, 1995, through February 29, 1996: In § 1137.7(b), the second sentence is amended by suspending the words "plant which has qualified as a" and "of March through August"; and

2. For the months of September 1, 1995, through August 31, 1996: In § 1137.12(a)(1), the first sentence is amended by suspending the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and in the second sentence "30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of", and the word "distributing".

All persons who want to send written data, views or arguments about the proposed suspension should send two copies to USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 20th day after publication of this notice

in the **Federal Register**. The period for filing comments is limited to 20 days because a longer period would not provide the time needed to complete the required procedures before the requested suspension is to be effective.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would suspend certain portions of the pool plant and producer definitions of the Eastern Colorado order. The proposed suspension would make it easier for handlers to qualify milk for pooling under the order.

The proposed suspension was requested by Mid-America Dairyman, Inc. (Mid-Am), a cooperative association that has pooled milk of dairy farmers on the Eastern Colorado order for several years. Mid-Am has requested the suspension to prevent the uneconomic and inefficient movement of milk for the sole purpose of pooling the milk of producers who have been historically associated with the Eastern Colorado order.

Mid-Am requests, for the months of September 1995 through February 1996, the removal of the restriction on the months when automatic pool plant status applies for supply plants. Mid-Am also proposes that, for the months of September 1995 through August 1996, the touch-base requirement not apply and the diversion allowance for cooperatives be raised.

These provisions have been suspended previously in order to maintain the pool status of producers who have historically supplied the fluid needs of Eastern Colorado distributing plants. Mid-Am states that the marketing conditions that justified the prior suspensions continue to exist.

Mid-Am asserts that they have made a commitment to meet the fluid milk requirements of distributing plants if the suspension request is granted. Without the suspension, Mid-Am contends that it will be necessary to ship milk from distant farms to Denver-area bottling plants to qualify milk for pooling. The distant milk will displace locally-produced milk that would then have to be shipped from the Denver area to manufacturing plants located in outlying areas.

In addition, Mid-Am maintains that ample supplies of locally-produced milk that can be delivered directly to distributing plants will be available to meet the market's fluid needs without requiring shipments from supply plants.

Mid-Am also claims that neither the elimination of the touch-base requirement for producers nor the increase in the amount of milk that can be diverted to nonpool plants by a cooperative should jeopardize the needs of the market's fluid processors.

Accordingly, it may be appropriate to suspend the aforesaid provisions for the time periods stated.

List of Subjects in 7 CFR Part 1137

Milk marketing orders.

The authority citation for 7 CFR Part 1137 continues to read as follows:

Authority: 7 U.S.C. 601-674.

Dated: July 24, 1995.

Lon Hatamiya,

Administrator.

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FEDERAL HOUSING FINANCE BOARD

12 CFR Part 960

[No. 95-N-07]

Amendment of Affordable Housing Program Regulation

AGENCY: Federal Housing Finance Board.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Board (Board) is soliciting comments on a proposal to amend its regulation governing the operation of the Affordable Housing Program (AHP or Program). The proposed rule would add a new provision authorizing a Federal Home Loan Bank (Bank) to set aside a limited portion of its available AHP subsidies to assist first-time homebuyers pursuant to a program meeting specific requirements set forth in the proposed rule. In addition, the proposed rule would permit a Bank to establish a first-time homebuyer program with requirements different from those specifically set forth, subject to prior approval of the Board.

DATES: Comments on this proposed rule must be received in writing on or before August 28, 1995.

ADDRESSES: Comments should be mailed to: Federal Housing Finance Board, Executive Secretariat, 1777 F Street, NW., Washington, DC 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Sharon B. Like, Attorney-Advisor, Office of General Counsel, (202) 408-2930, or Diane E. Dorius, Deputy Director, Office of Housing Finance,